

Remarks

Applicants respectfully request reconsideration of the present application in light of the foregoing amendments and following remarks.

Claims 1-15, 17-22, 24, 25, and 27-34 remain pending. Claims 1, 8, 18, 25, and 30 are independent.

Claims 1-15, 17-22, 24, 25, and 27-34 are rejected. Applicants respectfully traverse the rejections.

Patentability of Claims 1-14, 17, 25, and 27-34 over Shenoy, Yavatkar, and Moberg under 35 U.S.C. 103(a)

The Office Action (“Action”) rejects claims 1-14, 17, 25, and 27-34 under 35 U.S.C. 103(a) as being unpatentable over U.S. Pub. No. 2003/0223425 of Shenoy, et al. (“Shenoy”) in view of U.S. Pub. No. 2003/0128668 of Yavatkar, et al. (“Yavatkar”) and further in view of U.S. Patent No. 6,697,872 to Moberg, et al. (“Moberg”). These rejections are respectfully traversed.

Yavatkar Should Be Removed Because it is Unavailable as Prior Art under 35 U.S.C. 102

Yavatkar and the present application have identical inventive entities: Rajendra S. Yavatkar and Sanjay Bakshi. Also, the publication date of Yavatkar (July 10, 2003) is less than a year prior to the filing date of the present application (November 13, 2003). Thus, Yavatkar is not available as prior art under any of 35 U.S.C. 102(b) through 102(g).

Yavatkar is also unavailable as prior art under 35 U.S.C. 102(a) because Yavatkar describes Applicants’ own work. 35 U.S.C. 102(a) sets forth the requirement that one is entitled to a patent unless the invention was “known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for patent.” MPEP 2132 and 2132.01 state the following, respectively:

The term “others” in 35 U.S.C. 102(a) refers to any entity which is different from the inventive entity. The entity need only differ by one person to be “by others.” This holds true for all types of references eligible as prior art under 35 U.S.C. 102(a) including publications as well as public knowledge and use. Any other interpretation of 35 U.S.C. 102(a) “would negate the one year [grace] period afforded under § 102(b).” *In re Katz*, 687 F.2d 450, 215 USPQ 14 (CCPA 1982).

Applicant's disclosure of his or her own work within the year before the application filing date cannot be used against him or her under 35 U.S.C. 102(a). *In re Katz*, 687 F.2d 450, 215 USPQ 14 (CCPA 1982).

Thus, MPEP 2132 establishes that *an applicant's own work* is unavailable as prior art under 35 U.S.C. 102(a) as long as it was disclosed within the year before the filing date of the application. Because the inventive entity of Yavatkar and that of the present application are identical, Yavatkar is clearly Applicants' own work. Consequently, Yavatkar is not available as prior art under 35 U.S.C. 102(a).

Therefore, because Yavatkar is not available as prior art under any of 35 U.S.C. 102(a) through (g), Yavatkar should be removed from the 35 U.S.C. 103(a) rejections of claims 1-14, 17, 25, and 27-34.

Accordingly, the 35 U.S.C. 103(a) rejections of claims 1-14, 17, 25, and 27-34 should be withdrawn.

***Patentability of Claims 18-22 and 24 over Shenoy, Yavatkar, Moberg, and Ball
under 35 U.S.C. 103***

The Action rejects claims 18-22 and 24 under 35 U.S.C. 103(a) as being unpatentable over Shenoy, in view of Yavatkar and Moberg and further in view of U.S. Pub. No. 2005/0074003 of Ball, et al. ("Ball"). These rejections are respectfully traversed.

As discussed above, Yavatkar is not available as prior art under any of 35 U.S.C. 102(a) through (g). Therefore, Yavatkar should be removed from the 35 U.S.C. 103(a) rejections of claims 18-22 and 24.

Accordingly, the 35 U.S.C. 103(a) rejections of claims 18-22 and 24 should be withdrawn.

Patentability of Claim 15 over Shenoy, Yavatkar, Moberg, and Harvey under 35 U.S.C. 103

Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Shenoy, in view of Yavatkar and Moberg as applied to claim 8 above, and further in view of U.S. Pub. No. 2003/0140167 of Harvey, et al. ("Harvey"). This rejection is respectfully traversed.

As discussed above, Yavatkar is not available as prior art under any of 35 U.S.C. 102(a) through (g). Therefore, Yavatkar should be removed from the 35 U.S.C. 103(a) rejection of claim 15.

Accordingly, the 35 U.S.C. 103(a) rejection of claim 15 should be withdrawn.

Conclusion

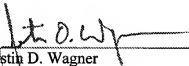
Applicants submit that the present application is in condition for allowance and such action is respectfully requested.

The Examiner is encouraged to telephone the undersigned at (503) 222-3613 if it appears that an interview would be helpful in advancing the case.

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Respectfully submitted,

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